



forward with a briefing schedule ... and bring this case to a resolution.” *Id.* Given the national importance of resolving this case as expeditiously as possible in light of the House’s pending impeachment proceedings, the Court placed the case on a very aggressive briefing schedule and suggested that it hoped to resolve this case “by the end of December or early January.” *Id.* at 18.

3. In order to ensure that the Court is able to achieve this objective, we respectfully submit that the Court should clarify its order setting a briefing schedule to expressly specify that the parties taking a position on the merits (i.e., the House Defendants and the President) should set forth their merits arguments in their briefs in addition to any jurisdictional and/or justiciability arguments they wish to advance. Complete briefing of all the issues will enable the Court to enter final judgment in the case on the ambitious, but achievable, schedule it has adopted. If, however, the parties were to limit their briefs to jurisdiction and/or justiciability and the Court rejects Defendants’ arguments, a second round of briefing on the merits would be necessary, thus frustrating the Court’s ability to resolve this case as expeditiously as possible.

4. Briefing the merits of the constitutional issues presented in this case should not impose any hardship on the Defendants. Both the House Defendants and the President have briefed and argued in the *McGahn* case the merits of the question whether a Presidential assertion of absolute immunity against congressional process for a close senior advisor overrides a House subpoena, so they will not be prejudiced by an express requirement that they set forth their arguments in this case.

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Respectfully submitted,

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